



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

ness in which another is engaged, and using the name, to use every means reasonably possible to distinguish his own business and goods from those of his competitor.—Legal Advisor, Chicago. See, also, note 10 Va. Law Reg. 359, and cases there cited.

---

JUSTICES OF THE PEACE.—Defendant in action before magistrate cannot file counterclaim in excess of the jurisdiction of the magistrate.—*Corley v. Evans* (S. C.), 48 S. E. 459.

---

FEDERAL COURTS—STATUTORY LIABILITY—RULES OF DECISION.—Where a cause of action is created by a state statute, the question when the right of action accrues, and what conditions authorize its enforcement, is one of judicial construction, as to which the decisions of the highest court of the state are controlling on the federal courts. *Whitman v. Atkinson*, 130 Fed. 759. See, also, notes to *Griffin v. Overman Wheel Co.*, C. C. A. 548; *Wilson v. Perrin*, 11 C. C. A. 71; *Hill v. Hite*, 29 C. C. A. 553.

---

DIVORCE—WHAT CONSTITUTES CRUEL TREATMENT.—In *Varner v. Varner*, 80 S. W. 386, the court holds that the mere finding that a wife habitually refuses to accede to her husband's request for sexual intercourse is not cruel treatment of such nature as to render their living together unsupportable. The court says that if it be conceded that a case might be presented in which refusal to grant sexual intercourse would constitute such cruel treatment as would authorize divorce under the Texas statute, this would, to a large degree, depend upon the husband's physical condition as well as upon the condition of the wife. As the mere fact that the husband made solicitations for sexual intercourse was all there was in the record indicating his physical condition, the court says that it may have been shown concerning him that

"The way of his life

Has fallen into the sear, the yellow leaf."

Old age and infirmity may be upon him, his virility may be greatly diminished; his amorous desires may be few and feeble, and the failure to have them gratified a matter of no great importance. If such be his condition, whatever might be held as to a husband differently situated, we are of the opinion that the wife's conduct, though wrongful, was not such an excess, cruel treatment, or outrage as to render their living together unsupportable.—Green Bag. On the subject of cruelty as a cause for divorce, see *Latham v. Latham*, 30 Gratt. 320; *Trimble v. Trimble*, 97 Va. 217, 33 S. E. 531; *Myers v. Myers*, 83 Va. 806, 6 S. E. 630, *Carr v. Carr*, 22 Gratt. 168; *Kinsey v. Kinsey*, 90 Va. 16, 17 S. E. 819; *Hutchins v. Hutchins*, 93 Va. 68, 24 S. E. 903; *Owens v. Owens*, 96 Va. 191, 31 S. E. 72; 1 Min. (4th ed.) 282; Bart. C. Pr. 329-332; 5 Va. Law Reg. 124.

---

CRIMINAL LAW—LARCENY—STEALING WIFE'S PROPERTY.—Under the constitutional provision of Arkansas relative to the property rights of married